

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WP.NO.20998 OF 2014

AND

M.P.NO.1 OF 2014

1.C.Kannan

2.C.Mahalingam

...Petitioners

Versus

1.The District Collector,
Vellore District, Vellore.

2.The Tahsildar,
Vellore Taluk, Vellore.

3.The Block Development Officer,
Kaniyambadi Panchayat Union,
Vellore District.

4.The President,
Nanjukondapuram Village Panchayat,
Vellore Taluk and District.

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents herein, their men and subordinates or any other persons claiming through them from in any manner interfering with petitioner's peaceful possession and enjoyment and evicting him from the patta lands in Survey Nos. 377-A1, 377-A2, 423-B and 438 of an extent of 0.71.5 Hectares in Kathalampattu Revenue Village, Vellore Taluk and District without following the due process of law.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.G.Krishnaraja for R1 & R2
Special Government Pleader
Mr.S.V.Durai for R3
Mr.D.Malarvizhi for R4

ORDER

According to the petitioners, since 1980, they are in exclusive possession and enjoyment of the lands in Survey Nos.

377-A1, 377-A2, 423-B and 438 of an extent of 0.71.5 Hectares in Kathalampattu Revenue Village, Vellore Taluk based on the effectuation of purchase by his father. While so, on 29.12.2007, the respondents 1 to 5 had informed them to vacate from the said lands as if the petitioners are encroachers. Further, the fourth respondent namely President of Panchayath had forcibly entered into the premises and destroyed his plantation, for which, the petitioner filed a suit in O.S. No. 150 of 2004 and the same is decreed as prayed for. Further, the petitioners also filed a writ petition in W.P.No.3550 of 2018 before this Court and the fourth respondent herein through his counter affidavit has stated that the petitioners are the encroaches. However, the petitioner's counsel was not aware of the case status and relying upon the counter affidavit filed by the fourth respondent, the said writ petition came to be dismissed. The fact that the dismissal of the aforesaid writ petition, the respondents are indulging in vacating the petitioners without furnishing any statutory notice to the petitioners. Hence, the petitioners sent a detailed representation to the respondents on 30.04.2014 and the same is pending without consideration till date. Hence, this writ petition.

2. The learned counsel for the petitioner submitted that this court may issue a suitable direction to the respondents to consider the petitioner's representation dated 30.04.2014 and pass appropriate orders within the stipulated period as fixed by this Court.

3. The learned Additional Government Pleader submitted that the representation of the petitioner will be considered and appropriate orders will be passed within the stipulated time. Further, learned counsel submitted that the petitioners' possession will not be disturbed by the second respondent without due process of law.

4. Heard, the learned counsel for the petitioner as well as the learned counsel appearing for the Government and the 4th respondent and perused the materials available on record.

5. In view of the above submissions made by the learned Additional Government Pleader, this Writ Petition is disposed of with liberty to the petitioner to proceed with the matter in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

To

1.The District Collector
Vellore District,
Vellore.

2.The Tahsildar
Vellore Taluk,
Vellore.

3.The Block Development Officer,
Kaniyambadi Panchayat Union,
Vellore District.

+1cc to Mr.R.Thamaraiselvan, Advocate Sr.No.37396

+1cc to the Government Pleader Sr.No.38233

W.P.No.20098 of 2014

RSV(CO)
RVM(19/07/2022)